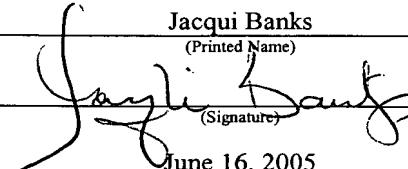


**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Sweeney, Patrick J.  
 Title: VERTEBRAL PROSTHESIS  
 Appl. No.: 10/686,998  
 Filing Date: 10/16/2003  
 Examiner: Barrett, Thomas C.  
 Art Unit: 3738

<b>CERTIFICATE OF MAILING</b>	
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date below.	
Jacqui Banks (Printed Name)	 <small>June 16, 2005</small> <small>(Date of Deposit)</small>
(Signature)	

**RESPONSE TO RESTRICTION REQUIREMENT**

Mail Stop Amendment  
 Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, VA 22313-1450

Sir:

In response to the Examiner's election/restriction requirement dated May 19, 2005, Applicant elects to prosecute the Examiners Invention I, claims 1-43 and 61-70. Further, Applicants elect to prosecute the Examiner's Species I, corresponding to Figures 1-14, and Subspecies (i), corresponding to Figure 21. Of the claims identified above for Invention I, claims 1-17, 19-27, 29-36, 38-42, 61-65, and 67-70 read on Species I, Subspecies (i).

Applicant notes that independent claims 12, 21, 32, 39, and 61, chosen for prosecution, are generic to dependent claims 18, 28, 37, 43, and 66 respectively. Accordingly, Applicant respectfully requests that claims 18, 28, 37, 43, and 66 be considered upon allowance of the generic independent claims.

Respectfully submitted,

Date 6/16/05

By 

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